

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KUNJI HARRISBURG, LLC,  
Plaintiff,

v.

AXIS SURPLUS INSURANCE  
COMPANY,  
Defendant.

CIVIL ACTION

NO. 19-1213

**O R D E R**

AND NOW, this 18th day of March, 2020, upon consideration of Defendant's Motion for Summary Judgment (ECF 31), Plaintiff's Response in Opposition (ECF 33), and Defendant's Reply in Support (ECF 35), **IT IS ORDERED** that Defendant's Motion is granted in part and denied in part as follows:

- Defendant's Motion as to Count I (Breach of Contract) is **DENIED**;
- Defendant's Motion as to Count II (Bad Faith) is **DENIED** as it pertains to the April 25, 2018 incident and **GRANTED** as it pertains to the May 14, 2018 incident. The bad faith claim for May 14, 2018 is **DISMISSED WITH PREJUDICE**.

BY THE COURT:

/s/Wendy Beetlestone, J.

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WENDY BEETLESTONE, J.